

REMARKS

Interview: The undersigned thanks the Examiner and her Supervisor for the consideration and comments provided in the interview by telephone held on January 17, 2007. In the interview, the double patenting rejection, non-statutory subject matter rejection, and anticipation rejection were discussed relative to claim 1 by Examiner Colan, the Examiner's supervisor, and the undersigned. Agreement was reached that the statutory double patenting rejection would be withdrawn without amendment to the claims. No agreement was reached on the non-statutory subject matter rejection and the anticipation rejection.

Claims 1, 3, 5, 7, 9, 12 and 15-20 are pending in the application. Claims 1, 7, and 12 are amended for purposes of expediting prosecution and are discussed below. Reconsideration and allowance of the application are respectfully requested.

The rejection of claims 1, 3-5, 7, 9-10, 12, and 15-17 under 35 USC §101 as claiming the same invention as claims 1-11 of US patent 6,757,870 is respectfully traversed. MPEP §804 II.A. provides:

A reliable test for double patenting under 35 U.S.C. 101 is whether a claim in the application could be literally infringed without literally infringing a corresponding claim in the patent. *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970). Is there an embodiment of the invention that falls within the scope of one claim, but not the other? If there is such an embodiment, then identical subject matter is not defined by both claims and statutory double patenting would not exist.

Claim 1 of the application could be infringed without infringing the combination of claims 1 and 2 in the issued patent. Since claims 1 and 2 of the issued patent require "determining a text density measure," "determining a change in text density," "expanding the top edge," and "expanding the bottom edge" and claim 1 of the application does not include these limitations, claim 1 of the application could be infringed without infringing the combination of claims 1 and 2 of the issued patent. That is, a method that does not include use of the text density and expansion of boxes as required by the issued patent, but includes all the limitations of claim 1 of the application would infringe claim 1 of the application but not claims 1 and 2 of the issued patent. The remaining dependent claims and independent claims of the present

application similarly do not claim the same invention as that set forth in US patent 6,757,870.

The rejection of claims 1, 3, and 5 as being directed to non-statutory subject matter is respectfully traversed. Claim 1 of the present application is directed to statutory subject matter. The method steps of claim 1 provide a useful and tangible result in the identification of table data in a document. A need for being able to identify table data is described in the Background of the application. Independent claim 1 is amended, however, for purposes of expediting prosecution.

Claims 1, 3, 5, 7, 9, 12 and 15-20 are understood to be novel over "Alam" (US patent 6,336,124 to Alam et al.) under 35 USC §102(e). The rejection is respectfully traversed because the Office Action does not show that all the limitations of the claims are taught by Alam. The independent claims are amended for purposes of clarification, however, and the rejection is thought to be moot. A summary of the limitations added to claims 1, 7, and 12 is provided below.

The added claim limitations further clarify the comparison of horizontal beginning point, horizontal midpoint, and horizontal endpoint of a cluster in one line to those of a cluster in a previous line for purposes of defining cluster alignment. In addition, for a line to be part of a table, more than one cluster in that line must be aligned with clusters of previous lines identified as part of the table. Example embodiments of these limitations are found in the specification and drawings at p. 8, l. 1-10; FIG. 2, #208; FIG. 3B, #352 and 360; and p. 13, l. 8-25.

The cited portions of Alam do not appear to correspond to the claim limitations. For example, at col. 10, l. 6 – col. 11, l. 55 Alam describes a process for joining lines into paragraphs (col. 10, l. 6), which does not correspond to identifying table data. Similarly, col. 11, l. 56-col. 12, l. 34 describes criteria for joining lines into paragraphs (col. 11, l. 56). Alam briefly discusses locating tables at col. 12, l. 35-52. But this brief discussion does not suggest the specific comparison of the horizontal beginning points, midpoints, and end points of word clusters between lines. Nor does Alam teach that more than one cluster must be so aligned.

The right, left, and center X coordinates discussed by Alam at col. 11, l. 8-17 do not correspond to the claimed use of horizontal beginning point, midpoint, and end point. First, the coordinates used by Alam are for determining whether a current line of text in process is part of a current paragraph in process and not for identifying related table data. Second, Alam's center X coordinate is the average of the left X coordinate of the first word and the right X coordinate of the last word of a line, and thus Alam's center X coordinate does not correspond to the claimed cluster horizontal midpoint, which is the midpoint of a cluster (FIG. 6 shows clusters). Third, Alam does not use right X coordinate, left X coordinate, and center X coordinate to identify table data; Alam uses these coordinates to determine whether a current line belongs with a current paragraph in process.


Furthermore, in assigning a line to a paragraph, Alam does require more than one cluster in the line to be aligned with clusters of previous lines. Thus, Alam is not shown to teach all the limitations of the independent claims.

Claims 3, 5, 9-10, and 15-20 depend from independent claims 1, 7, and 12, and the limitations are not shown to be taught by Alam for at least the reasons set forth above. The rejection of claims 1, 3, 5, 7, 9, 12 and 15-20 should be withdrawn because the claims are not shown to be anticipated by Alam.

Withdrawal of the rejections and reconsideration of the claims are respectfully requested in view of the remarks set forth above. No extension of time is believed to be necessary for consideration of this response. However, if an extension of time is required, please consider this a petition for a sufficient number of months for consideration of this response. If there are any additional fees in connection with this response, please charge Deposit Account No. 50-0996 (HPCO.141C1).

Respectfully submitted,

CRAWFORD MAUNU PLLC
1270 Northland Drive, Suite 390
Saint Paul, MN 55120
(651) 686-6633

By: 
Name: LeRoy D. Maunu
Reg. No.: 35,274